

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JUAN MORGAN,

Plaintiff,

V.

Civil Action 05-0989 (RCL)

ED SCHAFFER, Secretary, United States  
Department of Agriculture,

Defendant.

**JOINT MOTION FOR EXTENSION OF TIME TO COMPLETE DISCOVERY**

The parties respectfully request that this Court extend the discovery period in this case to September 30, 2008. The discovery period is currently set to close on June 3, 2008. As set forth below, there is good cause to grant this motion to extend. Indeed, the need for this motion is due in large part to the recent and serious illnesses suffered by both the Assistant United States Attorney who had been handling this case and Plaintiff. It is also due to the fact that the individuals who still need to be deposed are located outside of the United States and/or are no longer under the control of the parties. Arranging for these depositions has been—and will continue to be—a difficult and time-consuming process.

1. On May 8, 2008, the undersigned Assistant United States Attorney (the “undersigned AUSA”) was informed that the Assistant United States Attorney who had been assigned primary responsibility over this case was taking an immediate and extended leave of absence due to medical reasons. That day, the undersigned AUSA was transferred this case. Prior to May 8, 2008, the undersigned AUSA had had no involvement with respect to this case.

2. Upon being transferred this case, the undersigned AUSA checked the docket and learned that the discovery period was set to close on June 3, 2008. The undersigned AUSA immediately contacted Plaintiff's counsel, Mr. John McHugh (who had not become counsel of record for Plaintiff until February 2008), to ascertain what he believed still needed to be accomplished in terms of discovery.<sup>1</sup> Mr. McHugh informed the undersigned AUSA that he had been seeking to depose several witnesses, some of whom (the undersigned AUSA has since learned) are currently employed by Defendant but located outside of the United States and some of whom are former employees of Defendant. The undersigned AUSA will work with agency counsel to schedule the depositions of the witnesses identified by Mr. McHugh who are still employed by Defendant. The undersigned AUSA will also work with agency counsel to attempt to ascertain the location of and schedule the depositions of the witnesses identified by Mr. McHugh who are no longer employed by Defendant. Because several of the individuals whom Mr. McHugh wants to depose are located outside of the United States, and because some of those individuals are no longer employed by Defendant, scheduling the depositions has been—and will continue to be—a difficult and time-consuming process.

3. In addition, the parties need to arrange for the depositions of Plaintiff's physicians (who are located in Panama). However, before they can do so, Defendant must obtain Plaintiff's medical records. Mr. McHugh has been trying to obtain Plaintiff's medical records for production to Defendant, but Plaintiff (who resides in Panama) has been seriously ill and, to this point, has been unable to gather and transmit his medical records to Mr. McHugh. Plaintiff has assured Mr. McHugh that he will transmit his medical records to Mr. McHugh shortly. Once

---

<sup>1</sup> Prior to the undersigned AUSA's entry into the case, the parties had each served and responded to written discovery requests. In addition, the depositions of two individuals, Plaintiff and an employee of Defendant, had been taken.

that occurs, the parties will be able to schedule the depositions of Plaintiff's physicians (who have already agreed to be deposed).

4. Since May 8, 2008, the undersigned AUSA has been working diligently to get up to speed with respect to this case. However, due to pre-existing deadlines in his other cases, the undersigned AUSA has not yet been able to fully orient himself in this litigation. The undersigned AUSA needs additional time to finish reviewing the case file and all other relevant documentation before he can (1) evaluate what, if any, additional discovery Defendant will seek, or (2) depose witnesses or prepare witnesses for deposition.

For the reasons set forth above, the parties respectfully request that this Court extend the discovery period to September 30, 2008. A proposed order is attached hereto.

Dated: May 21, 2008

Respectfully submitted,

/s/

---

JOHN F. MCHUGH  
20 Exchange Place  
New York, NY 10005  
(212) 483-0875  
jfmchughpc@aol.com

Counsel for Plaintiff

Dated: May 21, 2008

Respectfully submitted,

/s/

---

JEFFREY A. TAYLOR, D.C. BAR # 498610  
United States Attorney

/s/

---

RUDOLPH CONTRERAS, D.C. BAR # 434122  
Assistant United States Attorney

/s/

---

CHRISTOPHER B. HARWOOD  
Assistant United States Attorney  
555 Fourth St., N.W.  
Washington, D.C. 20530  
Phone: (202) 307-0372  
Fax: (202) 514-8780  
[Christopher.Harwood@usdoj.gov](mailto:Christopher.Harwood@usdoj.gov)

Counsel for Defendant